

Town of Hanson
542 Liberty Street, Hanson, MA 02341

October 2001 Special Town Meeting

Special Town Meeting
October 1, 2001

Moderator Charles W. Mann called the meeting to order at 7:38 p.m. in the auditorium of the Middle School with James Armstrong, Joseph O'Sullivan and Patrice O'Sullivan appointed and sworn in as tellers.

Town Counsel was Richard Bowen from Kopelman and Paige.

A quorum was present with 122 voters attending the meeting.

The Pledge of Allegiance was recited by the Town Meeting and Kristen Merlin sang the National Anthem.

Highway Surveyor Richard A. Harris and Chairman of the Board of Selectmen Daniel K. Webster made presentations to Thomas Pepe, Sr. in recognition of his retirement after 20 years of service to the Town of Hanson Highway Department.

ARTICLE 1: To see if the Town will vote to transfer a sum of money from Free Cash to pay unpaid bills from fiscal year 2001 to take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The following bills are unpaid from fiscal year 2001: Mass. Electric \$1,931.07; West Publishing \$211.50; Dorr's Office Supplies \$18.41; Leonard (resident's refund from Conservation) This will require a 9/10ths vote to pass.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$3,139.00 from Free Cash to pay unpaid bills from fiscal year 2001.

ARTICLE 2: To see if the Town will vote to transfer a sum of money from the May 2001 Annual Town Meeting Article 5, Line 117B Water legal for payment of unpaid prior years legal bills or take any other action thereto.

Proposed by the Board of Water Commissioners

Estimated amount: \$33,614.07

Finance Committee recommends.

VOTED Aye unanimous to transfer \$33,614.07 from the May 2001 Annual Town Meeting, Article 5, Line 117B, Water Legal, for payment of unpaid prior years legal bills.

ARTICLE 3: To see if the Town will vote to transfer a sum of money from Free Cash to be added to the May 2001, Annual Town Meeting, Article 5, Line 65, Sealer of Weights Expenses or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Town currently does not own state certified equipment for the Sealer of Weights and Measurers. It is necessary for the Town to purchase equipment for testing scales. The estimated cost for the equipment is \$3,000.00.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$3,000.00 from Free Cash to be added to the May 2001 Annual Town Meeting, Article 5, Line 65, Sealer of Weights Expenses.

ARTICLE 4: To see if the Town will vote to transfer a sum of money from Free Cash to be added to the May 2001, Annual Town Meeting, Article 5, Line 64 Sealer of Weights Wages or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds are being requested as a one time stipend for the interim Sealer of Weights and Measurers who is currently working additional hours in order to bring the Town into compliance with respect inventory of the Town, cataloging and purchasing of equipment. The estimated amount is \$500.00.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$500.00 from Free Cash to be added to the May 2001 Annual Town Meeting, Article 5, Line 64, Sealer of Weights Wages.

ARTICLE 5: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 22F License fees; service charges or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The provisions of MGL Ch. 40, Sec. 22F authorizes the Board of Selectmen to set fees and services charges for the Sealer of Weights & Measurers. Currently the Town of Hanson relies on the State fee schedule that is incomplete and not compensatory for the services rendered.

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to accept the provisions of Massachusetts General Laws Chapter 40, Section 22F License fees; service charges.

ARTICLE 6: To see if the Town will vote to transfer a sum of money from Free Cash to be added to the May 2001 Annual Town Meeting, Article 5, Line 7, Town Insurance or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The town insurance figures were received after the May Town Meeting. Due to the re-evaluation of Town owned buildings and properties, which had not been updated since 1991, as well as a 10% percent increase in overall insurance rates, the general insurance rate increased \$16,000.00. Consequently, the estimated amount for this request is \$15,000.00.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$15,000.00 from Free Cash to be added to the May 2001 Annual Town Meeting, Article 5, Line 7, Town Insurance.

ARTICLE 7: To see if the Town will vote to transfer a sum of money from Free Cash to be added to the May 2001, Annual Town Meeting as follows:

Article 5, Line 106, Highway Dept. Wages

Article 5, Line 19, Town Hall Custodian

Article 5, Line 72, Disposal Area Wages

or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds are necessary to fund the above entitled lines due to the settlement of the Highway contract, which included additional steps and a 1 ½% increase.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$11,450.00 from Free Cash to be added to the May 2001, Annual Town Meeting as follows:

Article 5, Line 106, Highway Dept. Wages	\$9,000.00
Article 5, Line 19, Town Hall Custodian	\$1,200.00
Article 5, Line 72, Disposal Area Wages	\$1,250.00

ARTICLE 8: To see if the Town will vote to transfer a sum of money from free cash to be added to the May 2001 Annual Town meeting, Article 5, Line 72, Disposal Area Wages or take any other action in relation thereto:

Proposed by the Board of Health

Explanation: This will allow the Board of Health to hire an additional full-time attendant at the Disposal Area and have trip tickets issued and paid for at the Transfer Station. This will allow the Transfer Station to be open more hours and more days.

Finance Committee does not recommend.

VOTED Nay, voice to transfer \$18,000.00 from Free Cash to be added to the May 2001 Annual Town Meeting Article 5, Line 72, Disposal Area Wages.

ARTICLE 9: To see if the Town will vote to transfer the responsibility for issuing Transfer Station Trip Tickets from the Board of Health to the Board of Selectmen.

Proposed by the Board of Selectmen

Explanation: In the event that Article 8 is not voted, the Board of Selectmen desire to offer the increased service to the citizens of Hanson by providing the opportunity to purchase Trip Tickets at the office of the Treasurer/Collector, which is an office that is open 39 hours per week – 5 days a week..

Finance Committee recommends.

VOTED Aye unanimous to transfer the responsibility for issuing Transfer Station Trip Tickets from the Board of Health to the Treasurer/Collectors Office.

ARTICLE 10: To see if the Town will vote to transfer a sum of \$25,000 from free cash to pay to EPA, or its designee, to obtain a non-recourse settlement of the super-fund site, known as Beede Oil, in Plaistow, New Hampshire or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: Approximately 10 years ago the Town of Hanson contracted with a licensed hazardous waste transporter to take 177 gallons of fuel oil to an EPA recommended, licensed facility – Beede Oil – for disposal. Beede Oil did not dispose of the oil properly. In 1997 Beede Oil declared bankruptcy, and under the Federal Superfund Site law, all parties that contributed, even lawfully, are responsible to pay for the clean up.

Finance Committee recommends.

VOTED Aye unanimous to transfer a sum of \$25,000.00 from Free Cash to pay to EPA, or its designee, to obtain a non-recourse settlement of the super-fund site, known as Beede Oil, in Plaistow, New Hampshire.

ARTICLE 11: To see if the town will vote to appropriate a sum from free cash to be added to the May 2001 Annual town meeting article 5 as follows:

Line 104A Equipment outlay \$4,600.00
to replace destroyed hose

or take any other action relative thereto

Proposed by the Fire Chief

Explanation: This hose was found to be leaking severely and not able to be repaired at annual testing.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$4,600.00 from Free Cash to be added to the May 2001 Annual Town Meeting Article 5, Line 104A, Equipment Outlay.

ARTICLE 12: To see if the town will vote to appropriate a sum from free cash to be added to the May 2001 Annual town meeting article 5 as follows:

Line 104A Equipment outlay \$4,700.00
pump and installation for forest fire truck

or take any other action relative thereto

Proposed by the Fire Chief

Explanation: The article is to purchase a Hale HPX 300 fire pump and necessary hardware to install on the Military truck provided to us at no cost by the Commonwealth. Needed before spring 2002.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$4,700.00 from Free Cash to be added to the May 2001 Annual Town Meeting, Article 5, Line 104A, Equipment Outlay.

ARTICLE 13: To see if the town will vote to appropriate a sum from free cash to be added to the May 2001 Annual town meeting article 5 as follows:

Line 104A Equipment \$ 2,000.00
Piping and installation for forest fire truck

Or take any other action relative thereto

Proposed by the Fire Chief

Explanation: This article is to cover the cost of installing the necessary piping on the Military truck provided by the Commonwealth. Needed before Spring 2002.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$2,000.00 from Free Cash to be added to the May 2001 Annual Town Meeting, Article 5, Line 104A, Equipment Outlay.

ARTICLE 14: To see if the town will vote to appropriate a sum from free cash to be added to the May 2001 Annual town meeting article 5 as follows:

Line 104 Fire Department expense \$4,500.00
 repairs to vehicles

Or take any other action relative thereto.

Proposed by the Fire Chief

Explanation:

Repairs required:

New motor for Hovercraft \$2,200.00 (needed before winter, for Ice Rescue)

New fire extinguishers 800.00

New Alternator for A-1 500.00

Repairs to R-1 suspension 1,000.00

These unplanned repairs were not budgeted for in the 2001 Annual Town Meeting.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$4,500.00 from Free Cash to be added to the May 2001 Annual Town Meeting, Article 5, Line 104, Fire Department Expenses.

ARTICLE 15: To see if the town will vote to appropriate \$10,000.00 from free cash to go towards the purchase of new Self-Contained Breathing Apparatus, or take any other action relative thereto.

Proposed by the Fire Chief

Explanation: A federal grant has been applied for to purchase all new self-contained breathing apparatus, these funds are the town's portion of the grant if awarded. If we do not receive the grant, the funds will be used as the first portion of the funding required to replace all Self-Contained Breathing Apparatus. The remainder will be requested through ATM 2002."

Finance Committee recommends to Pass Over.

VOTED Aye, unanimous to Pass Over.

ARTICLE 16: To see if the town will vote to transfer \$3,000.00 from the May 2001 Annual Town Meeting Article 5, line 102, firefighters full-time, to Article 5, line 104 fire expense, or take any other action relative thereto.

Proposed by the Fire Chief

Explanation: This is to allow the fire department to cover tuition costs for training programs in different specialty fields; some are intended to apply towards certification. Specifically- Grant writing, Training officer, Emergency Vehicle Technician (mechanic), Fire Prevention officer, Ice Rescue technician. These courses are not available through Mass. or National Fire Academies.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$3,000.00 from the May 2001 Annual Town Meeting, Article 5, Line 102, Firefighters full-time, to Article 5, Line 104, Fire Expense.

ARTICLE 17: To see if the town will vote to transfer \$890.00 from Free cash, to be added to the annual town meeting, Article 5 Line 85 Veterans' expenses or take any other action in relation thereto.

Explanation: Due to an administrative error, a purchase order was not placed at year-end and the money was lost to the general fund (free cash). The purchase order has been placed with this year's funds and we asking back for the money lost to the general fund in order to facilitate our budget for this year.

Finance Committee recommends.

VOTED Aye, voice to transfer \$890.00 from Free Cash, to be added to the May 2001 Annual Town Meeting, Article 5 Line 85, Veterans' Expenses.

ARTICLE 18: To see if the Town will vote to add a sum of monies from the May 2001 Annual Town Meeting, Article 5, Line 117 Water Expense, to Article 5, Line 114, Superintendent's salary or take any other action thereto.

Proposed by the Board of Water Commissioners

Estimated amount \$19,335.96

Finance Committee recommends to Pass Over.

VOTED Aye unanimous to Pass Over.

ARTICLE 19: To see if the Town will vote to transfer from the Water Surplus Account a sum of money for G.I.S. for the Water Department or take any other action thereto.

Proposed by the Board of Water Commissioners

Estimated amount \$40,000

Finance Committee recommends to Pass Over.

VOTED Aye unanimous to Pass Over.

ARTICLE 20: To see if the Town will vote to raise through borrowing \$10,000 to be added to Article 17 of the 2001 May Special Town Meeting, acquisition by eminent domain, or take any other action thereto.

Proposed by the Board of Water Commissioners

Explanation: This additional sum is necessary for bonding costs associated with the borrowing. Initial article was for \$400,000.00.

Finance Committee recommends.

VOTED Aye unanimous that \$10,000.00 is appropriated, in addition to the \$400,000.00 previously appropriated under Article 17 of the May 7, 2001 Special Town Meeting, for the acquisition of certain land by eminent domain for water supply purposes; that to meet this appropriation the treasurer with the approval of the Board of Selectmen is authorized to borrow \$10,000.00 under GL C 44 s 8(3) or any other enabling authority; and that the Board of Selectmen are authorized to take any other action necessary to carry out this project.

ARTICLE 21: To see if the Town will vote to raise through borrowing \$10,000 to be added to Article 18 of the 2001 May Special Town Meeting, purchase of the water department office property, or take any other action thereto.

Proposed by the Board of Water Commissioners

Explanation: This additional sum is necessary for bonding costs associated with the borrowing. Initial article was for

\$450,000.00.

Finance Committee recommends.

VOTED Aye unanimous that \$10,000.00 is appropriated, in addition to the \$450,000.00 previously appropriated under Article 18 of the May 7, 2001 Special Town Meeting, for the purchase of certain land for the Water Department Office; that to meet this appropriation the treasurer with the approval of the Board of Selectmen is authorized to borrow \$10,000.00 under GL C 44 s 7(3) or any other enabling authority; and that the Board of Selectmen are authorized to take any other action necessary to carry out this project.

ARTICLE 22: To see if the Town will vote to raise through borrowing \$10,000 to be added to Article 19 of the 2001 May Special Town Meeting, Rehabilitation of the Crystal Springs Wellfield, or take any other action thereto.

Proposed by the Board of Water Commissioners

Explanation: This additional sum is necessary for bonding costs associated with the borrowing. Initial article was for \$600,000.00.

Finance Committee recommends.

VOTED Aye, unanimous to Pass Over.

ARTICLE 23: To see if the Town will vote to raise through borrowing \$10,000 to be added to Article 20 of the 2001 May Special Town Meeting, Installation of new 12” water mains, or take any other action thereto.

Proposed by the Board of Water Commissioners

Explanation: This additional sum is necessary for bonding costs associated with the borrowing. Initial article was for \$500,000.00.

Finance Committee recommends.

VOTED Aye unanimous to Pass Over.

ARTICLE 24: To see if the Town will vote to transfer from free cash and/or transfer from the October 2000 Special Town Article 8 – Engineering of the HVAC a sum of money for the purpose of repairing the HVAC and roof, siding and interior repairs caused by storm damage of the Library/Senior Center or take any other action in relation thereto.

Proposed by the Board of Selectmen and
Capital Improvement

Explanation: The Library/Senior Center has been experiencing an ongoing problem with leakage from the roof area including flashing and siding. It has determined that the cost for design and repair of the roof area including flashing and siding as well as the interior damage should not exceed \$8,000.00 and HVAC repairs \$4,500.00.

Finance Committee recommends.

VOTED Aye, voice to transfer from Free Cash the sum of \$12,500.00 for the purpose of repairing the HVAC and roof, siding and interior repairs caused by storm damage at the Library/Senior Center.

ARTICLE 25: To see if the Town will vote to transfer from free cash a sum of money to be added to the 1999 May Special Town Meeting, Article 7- Plymouth County Hospital Site Work for the engineering and site work of the landfill area of the Plymouth County Hospital or take any other action in relation thereto.

Proposed by the Board of Selectmen and
Capital Improvement

Explanation: There is a landfill located on the Plymouth County Hospital Property, which must be removed prior to the sale to a developer. The estimated costs for engineering and removal of the landfill is \$100,000.00.

Article 25 is on hold and will be taken up after Article 36.

ARTICLE 26: To see if the Town will vote to appropriate and raise by taxation or transfer from free cash a sum of money to fund retirement buy-outs or take any other action in relation thereto.

Proposed by the Treasurer/Collector

Explanation: This is to fund the buy-outs for employees as they retire (i.e. sick time, vacation, etc.) The sum of money is approximately \$12,000.00.

Finance Committee recommends.

VOTED Aye unanimous to transfer from Free Cash \$12,000.00 to Article 10 of the 2001 Annual Town Meeting, to fund retirement buy-outs.

ARTICLE 27: To see if the Town will vote to appropriate and raise by taxation or transfer from free cash a sum of money to Article 5, Line 6, Benefits, or the May 2001 Annual Town Meeting, or take any other action in relation thereto.

Proposed by the Treasurer/Collector

Explanation: We have had 5 additional employees sign onto our insurance plan after the annual town meeting. There is a potential for 1 additional employee if Article 8 passes. The sum requested is \$11,300.00. However, if Article 8 is not successful the amount requested will be reduced to \$9,264.00.

Finance Committee recommends.

VOTED Aye unanimous to transfer from Free Cash \$9,264.00 to Article 5, Line 6, Benefits, of the May 2001 Annual Town Meeting.

ARTICLE 28: To see if the Town will vote to transfer a sum of money from May 2001 Annual Town Meeting, Article 5, Line 117, Water Expenses to the Stabilization Fund or take any other action in relation thereto.

Proposed by the Treasurer/Collector

Explanation: This is money due to the stabilization fund from the water department for borrowing in FY'01. Interest is on the \$400,000.00 for the period 1/11/01 – 6/21/01 in the amount of \$7,498.63.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$7,498.63 from May 2001 Annual Town Meeting, Article 5, Line 117, Water Expenses to the Stabilization Fund.

ARTICLE 29: To see if the Town will vote to transfer from Free Cash the sum of **\$20,000.00** for new Drainage at various locations throughout the Town as determined by the Drainage Committee or take any other action in relation thereto.

Proposed by the Drainage Committee

Explanation: This funding is requested in order to install new drainage at various locations on public ways in the town.

Finance Committee recommends.

VOTED Aye, voice to transfer from Free Cash the sum of \$20,000.00 for new drainage at various locations within the Town as determined by the Drainage Committee.

ARTICLE 30: To see if the Town will vote to transfer a sum of money from Free Cash and/or transfer from additional lottery receipts a sum of money to repair the roof at the Maquan School or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: While making repairs on one roof at Maquan School, it was discovered that an additional roof needed to be repaired. The Town will be repaid in the amount of \$35,000.00 from interest earned on the Borrowing for the renovations of the Indian Head School and the construction of the Hanson Middle School. This payment to the Town will go to the General Funds.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$35,000.00 from Free Cash to repair the roof at the Maquan School.

ARTICLE 31: To see if the Town will vote to transfer from Free Cash or Stabilization the sum of \$4,000.00 to May 1998 Annual Town Meeting Article 8, GIS or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds are needed to install a reader for the GIS system.

Finance Committee recommends.

VOTED Aye unanimous to transfer from Free Cash the sum of \$4,000.00 to the May 1998 Annual Town Meeting, Article 8, GIS.

ARTICLE 32: To see if the Town will vote to transfer from free cash a sum of money to be added to the *2000 October Special Town Meeting, Article 13* to fund septic systems improvements to property located on High Street, and formerly part of the Plymouth County Hospital property.

Proposed by the Board of Selectmen

Explanation: This article, originally voted in October 2000, did not contain enough money to finish the project, as the contractor ran into serious land conditions during construction. These additional funds were required to complete the project and gain Board of Health approval. The Town of Hanson has already auctioned off 3 of the 4 lots and gained over \$480,000 in proceeds from the sale.

Article 32 is on hold and will be taken up after Article 25.

ARTICLE 33: To see if the Town will vote to raise through borrowing the sum of \$58,293.00 in anticipation of reimbursement from the State under Chapter 15, of the Acts of 1988, for continuing state aid construction of public highways approved by the Board of Selectmen and the Massachusetts Highway Department or take any other action in relation thereto.

Proposed by the Highway Surveyor

Explanation: State aid Chapter 90 monies to be received from the Commonwealth of Massachusetts for road paving and reconstruction that have now become available from the Massachusetts Highway Department and must be expended.

Finance Committee recommends.

VOTED Aye unanimous to raise through borrowing the sum of \$58,293.00 in anticipation of reimbursement from the State under Chapter 15, of the Acts of 1988, for continuing state aid construction of public highways approved by the Board of Selectmen and the Massachusetts Highway Department.

ARTICLE 34: To see if the Town will vote to raise through borrowing the sum of \$128,723.00 in anticipation of reimbursement from the State under Chapter 33, of the Acts of 1991, for continuing state aid construction of public highways approved by the Board of Selectmen and the Massachusetts Highway Department or take any action in relation thereto.

Proposed by the Highway Surveyor

Explanation: State aid Chapter 90 monies to be received from the Commonwealth of Massachusetts for road paving and reconstruction that have now become available from the Massachusetts Highway Department and must be expended.

Finance Committee recommends.

VOTED Aye unanimous to raise through borrowing the sum of \$128,723.00 in anticipation of reimbursement from the State under Chapter 33, of the Acts of 1991, for continuing state aid construction of public highways approved by the Board of Selectmen and the Massachusetts Highway Department.

ARTICLE 35: To see if the Town will vote to hear the report of the Problem Road Review Committee established by the Board of Selectmen (formerly the Roller Coaster Road Committee) or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee refers to Town Meeting.

VOTED Aye, voice to hear the report of the Problem Road Review Committee established by the Board of Selectmen, formerly the Roller Coaster Road Committee.

ARTICLE 36: To see if the Town will vote to transfer from Free Cash or Stabilization the sum of \$35,000 to be expended under the authority of the Board of Selectmen for the purpose of designing a new road layout intersection with Roller Coaster Road, Old Cross Street, Crescent Street and Maquan Street [Route 14], or do or take any other action in this matter.

Proposed by the Board of Selectmen

Explanation: This article proposes to authorize the expenditure of funds to design and lay out a road over Public Land that lies between Roller Coaster Road and Route 14, Maquan Street, to improve the safe egress to and from Crescent Street and Roller Coaster Road.

Finance Committee does not recommend.

VOTED Aye, voice to transfer from Free Cash the sum of \$35,000 to be expended under the authority of the Board of Selectmen for the purpose of designing a new road layout intersection with Roller Coaster Road, Old Cross Street, Crescent Street and Maquan Street [Route 14].

ARTICLE 25: To see if the Town will vote to transfer from free cash a sum of money to be added to the 1999 May Special Town Meeting, Article 7- Plymouth County Hospital Site Work for the engineering and site work of the landfill area of the Plymouth County Hospital or take any other action in relation thereto.

Proposed by the Board of Selectmen and
Capital Improvement

Explanation: There is a landfill located on the Plymouth County Hospital Property, which must be removed prior to the sale to a developer. The estimated costs for engineering and removal of the landfill is \$100,000.00.

Finance Committee recommends.

VOTED Aye unanimous to transfer from Free Cash \$100,000.00 to be added to the 1999 May Special Town Meeting, Article 7- Plymouth County Hospital Site Work for the engineering and site work of the landfill area of the Plymouth County Hospital.

ARTICLE 32: To see if the Town will vote to transfer from free cash a sum of money to be added to the *2000 October Special Town Meeting, Article 13* to fund septic systems improvements to property located on High Street, and formerly part of the Plymouth County Hospital property.

Proposed by the Board of Selectmen

Explanation: This article, originally voted in October 2000, did not contain enough money to finish the project, as the contractor ran into serious land conditions during construction. These additional funds were required to complete the project and gain Board of Health approval. The Town of Hanson has already auctioned off 3 of the 4 lots and gained over \$480,000 in proceeds from the sale.

Finance Committee recommends.

VOTED Aye unanimous to transfer from Free Cash \$4,100.00 to be added to the 2000 October Special Town Meeting, Article 13 to fund septic systems improvements to property located on High Street, and formerly part of the Plymouth County Hospital property.

ARTICLE 37: To see if the Town will vote to authorize the Board of Selectmen to sell Lot 1 on a plan of land entitled "Plan of Land Located On High Street & Pierce Avenue Hanson, Massachusetts prepared for Vanasse Hangen Brustlin, Inc. 101 Walnut St. Watertown, Mass. September 11, 2001 Scale: 1" = 80", or do or take any other action in this matter.

Proposed by the Board of Selectmen

Explanation: This is the final residential house on the Plymouth County Hospital property located at 112 High Street. The house will be auctioned upon the approval of Town Meeting.

Finance Committee recommends.

VOTED Aye unanimous to authorize the to Board of Selectmen to sell Lot 1 on a plan of land entitled "Plan of Land Located On High Street & Pierce Avenue Hanson, Massachusetts prepared for Vanasse Hangen Brustlin, Inc. 101 Walnut St. Watertown, Mass. September 11, 2001 Scale: 1" = 80".

ARTICLE 38: To see if the Town will vote to amend the Hanson Zoning Bylaw, Section VI, Use Regulations, and add a new section entitled "K. Adult Communities" or take any other action thereto:

K.ADULT COMMUNITIES

1. ADULT RETIREMENT VILLAGE (ARV)

An Adult Retirement Village (ARV), as approved by the Special Permit Granting Authority (SPGA)(Planning Board), is intended to: provide an alternative housing opportunity for the older population; provide an attractive and suitable residential environment that is more amenable to the needs of people in their later years; encourage creative and innovative site planning and design in order to enhance the attractiveness and suitability of smaller homes as a preferred alternative housing type in order to better meet the specific housing needs of this segment of the population and, to encourage the preservation of common land for open space and recreational use, by promoting better utilization of land in harmony with its natural features and to retain the rural character of the Town.

Where feasible, new homes shall be organized around traditional village streets. A central open space shall provide a focus for the community facility/building. The dwelling units shall be of high quality construction with care being taken in landscaping efforts to retain as much as possible the natural topography of the village environs. To enhance the village concept, the developer should be encouraged to employ historic, traditional and complimentary style, colors, and exterior lighting for all units as well as street lighting.

A. GENERAL STANDARDS: The following standards shall apply to all ARV Developments:

- (1) **Occupancy Qualifications:** The ARV Development is specifically limited to use, residence and occupancy by persons who have achieved a minimum age of fifty-five (55) years, provided, however, that no more than one of the persons occupying any unit may be under fifty-five (55) years of age, unless otherwise qualifying as a handicapped adult, or as herein further provided. In addition, and only in proven cases of family emergency, as determined by majority vote of any homeowners' association management board, no more than two (2) additional persons, above the number which is specifically herein authorized, who are under age fifty-five (55) and directly related, shall be allowed to be an occupant of any dwelling unit for more than six (6) months duration. Extensions of such minimum time duration may be granted by majority vote of such board. Occupancy requirements shall be exclusive of nurses or others persons to provide health care services to any occupant of said dwelling unit. In the event of the death of the qualifying owner/occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit in an ARV, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household.
- (2) **Minimum Tract Size:** ARV Developments shall be located on a parcel of land which has a gross area of not less than fifteen (15) acres and is located in the Agricultural/Recreation, Residence A, Residence AA, Residence B or Flexible Zoning Districts.
- (3) **Maximum Density Ratio:** The maximum density ratio in the ARV shall be no greater than five (5) residential units per acre. The gross land area of the parcel minus the open space will be used in calculating compliance with this maximum density ratio.
- (4) **Distance Requirements:** Within the ARV, there shall be a minimum distance of thirty (30) feet between each building and minimum set-back from the roadway layout of at least thirty (30) feet. No dwelling unit shall be located nearer than one hundred (100) feet from the traveled portion of any public way nor closer than fifty (50) feet from the perimeter lot lines.
- (5) **Open Space:** Within the ARV, all open space shall be integrated within and around the development. Additionally, not less than twenty (20) percent of the total land area contained within the development shall be designated as open space and further provided that no less than twenty (20) percent of the designated open space land shall be suitable for use for passive and/or active recreational purposes. Community buildings and common facilities can be located within the open space. Area used for roadway layout shall not be used as open space area or site area.
- (6) **Multiple Uses:** The site, when utilized for the purposes of this section and combined with any other use or uses, also allowed in this section, shall be of sufficient size, shape, topography and location or be capable of accommodating such multiple uses, as determined by the Planning Board.

B. SITE DEVELOPMENT STANDARDS

The ARV application shall show conformance with the following minimum requirements. The Special Permit Granting Authority (SPGA) may, in appropriate cases, waive, increase, reduce or modify these Site Development Standards as a condition of the Special Permit.

- (1) **Parking:** Within the ARV, a minimum of two (2) parking spaces shall be required for each dwelling. Each parking space shall have an area of not less than ten (10) feet wide and nineteen (19) feet long. The parking area shall be paved and connected with a paved driveway to the roadway within the development. In order to reduce impervious area within the development, common driveways are encouraged.
- (2) **Dwelling Locations:** Within the ARV, the dwelling locations shall be designated as part of the Special Permit Plan. Where possible, the dwelling location shall be oriented with respect to natural landscape features, scenic views, topography and natural drainage patterns. Additionally, dwelling locations shall show a "random layout" so as to minimize the visual effects of the density of the development.

(3) Utilities: Within the ARV, all utilities shall be installed underground. Each site shall be provided with a sanitary sewer service for the disposal of sanitary wastewater. The method of sanitary wastewater disposal shall conform to the requirements of the Hanson Board of Health and all Massachusetts Sanitary Codes and shall be approved by the Hanson Board of Health. No underground storage of petroleum products shall be allowed, and additionally, all storage of such products shall be within the structure.

(4) Antennas & Air Conditioners: Within the ARV, no dwelling unit shall have an exterior radio, television, dish-type antenna or window air conditioner.

(5) Foundations: Within the ARV, all homes shall be constructed on foundations meeting the minimum requirements of the Commonwealth of Massachusetts Building Code and the Town of Hanson Zoning Bylaws

(6) Ownership: The Planning Board shall have the authority to promulgate regulations to implement an Adult Retirement Village.

(7) On-Site Storage: Within the ARV, on-site enclosed storage must be provided for material which is used on a seasonal or infrequent basis and which cannot be conveniently stored in the dwelling unit. Each storage building must be uniformly constructed of non-ferrous materials and erected on a concrete slab. The individual storage building shall have a minimum outside dimension of five (5) feet by seven (7) feet or a maximum of six (6) feet by eight (8) feet with a height of eight (8) feet. The storage building shall be located in an unobtrusive location. When possible, two or more storage buildings may be combined. There shall be no sideline setback distance for storage buildings located within a home site, however, storage buildings shall not be located within fifty (50) feet of the perimeter of the development.

(8) Access Ways: Within the ARV, all roads shall have a minimum layout width of forty (40) feet and a paved roadway consisting of a minimum travel width of twenty (20) feet with two eighteen (18) inch wide "cape-cod style" berms for a total minimum pavement width of twenty-three (23) feet. The access ways shall be designed and constructed in general accordance with the latest Rules and Regulations governing the subdivision of land in Hanson. Except that the pavement width and berm requirements as presented herein shall apply. Each access way shall be provided with at least one sidewalk, four (4) feet in width. Wheelchair ramps shall be provided at all intersections. Street lighting and fire hydrants shall be provided along the roadways throughout the development.

(9) Roads, Drainage, Driveways: Within the ARV, all roads, drainage systems and driveways shall be maintained by the governing body or its designee. They shall be kept passable and in good condition at all times. Snow and ice removal shall be done by the permittee as part of the normal road and driveway maintenance. It is intended that all improvements within the development remain in private ownership and be maintained by the governing body or its designee.

(10) Open Space: Open space shall be allocated to the recreational amenities and environmental enhancement of the development and shall be designed as such on the Special Permit plan.

(11) Buffer Zone: Within the ARV, there shall be a buffer zone of at least fifty (50) feet in width around the entire perimeter of the development. The buffer zone may include land area designated as a recreational site, if determined to be appropriate by the SPGA. The buffer zone shall include natural vegetation, plantings, walls, fences or vegetated earthen berms to provide a screening barrier between the development and the abutting properties. Screening plantings shall be used in combination with fences or walls. The buffer zone and its associated screening barrier shall be designated on the special permit plan. The detailed plan for planting and screening shall be prepared by a Registered Landscape Architect and shall be part of the Special Permit application. The actual requirements regarding buffering, plantings, screening, and the like shall be determined by the SPGA as part of the special permit process.

(12) Community Building: Within the ARV, there shall be a community building(s) and recreational facilities, which shall be available to all residents and their guests. Use of the community building(s) or facilities is specifically limited by this by-law to uses that will service the residents within the ARV. All uses within the development shall be delineated as part of the Special Permit application and must be specifically approved by the SPGA as an integral part of the Special Permit.

(13) Business: Within the ARV, no business of any kind is to be conducted unless specifically authorized by the Special Permit herein granted.

(14) Solid Waste: Within the ARV, the governing body or its designee shall be responsible for the disposal of all the solid waste(s) by a method or system approved by the Hanson Board of Health. Containers shall be screened from public view.

(15) Wastewater: Within the ARV, the governing body or its designee shall maintain the system(s) for the subsurface disposal of sanitary wastewater as required by the Hanson Board of Health.

(16) State Law: The ARV shall conform to the requirements for a self-contained retirement community as established by Massachusetts General Laws, Chapter 151B, Section 4, Subsection 8, together with any amendment thereto.

C. SPECIAL PERMIT PROCEDURES:

(1) The application for a Special Permit for an ARV shall be filed with the SPGA, with a copy of the application form filed with the Town Clerk. The application shall be accompanied by ten (10) copies of the Special Permit plan and all pertinent information required to support the subject application.

(2) The Special Permit plan shall show the seal and signature of a Registered Professional Engineer or Registered Landscape Architect. Complete copies of the application and all documents shall be filed with and reviewed by the Board of Health, Water Commissioners and the Conservation Commission prior to filing with the SPGA.

(3) The Special Permit plan shall provide sufficient detail to show the entire development, roadway systems, dwellings, community buildings and facilities, unit locations, buffer zones, open space and an analysis of the development showing compliance with site area, density and open space requirements.

(4) The Special Permit plan shall be prepared in general accordance with the Subdivision Regulations for a Definitive Plan.

(5) In addition, the Special Permit plan shall show the proposed system for sanitary wastewater disposal, proposed screening plantings, wetlands, water bodies, flood zones, vegetative cover and other natural features.

(6) The application package shall also include a narrative describing the tract of land, the surrounding neighborhood, and the possible impact(s) the development would have on the surrounding area. The narrative shall also include detailed information on the type of housing units to be used in the development, community buildings, recreational facilities and information in regard to the proposed operation of the ARV including anticipated community rules and regulations.

(7) The Special Permit for the site plan shall only be issued by the SPGA following a public hearing held within sixty-five (65) days after the filing of the application. Any Board or Commission to which copies of the application was submitted for review, shall submit, in writing, any comments and/or recommendations as it deems appropriate to both the SPGA and the Applicant within forty-five (45) days of the receipt of said application. If no response is received within the forty-five (45) days, it shall be assumed by the SPGA that no response is required.

(8) The Special Permit granted under this by-law shall lapse if not exercised within three (3) years after the Special Permit is granted, unless the SPGA extends the period following written request for extension by the licensee.

(9) An Adult Retirement Village and an Assisted Living Facility may be combined into one project on one parcel of land at the discretion of the Special Permit Granting Authority.

2. ASSISTED LIVING FACILITY (ALF)

An Assisted Living Facility (ALF) is a non-institutional residential facility subject to certification by the Executive Office of Elder Affairs under G.L. Chapter 19D, defined as an entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

- a. Provides room and board;
- b. Provides assistance with activities of daily living and personal care services for three or more non-related adult residents; and
- c. Collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance.

Assisted living facilities are for elders who do not require twenty-four (24) hour skilled nursing care, but need assistance with dressing, bathing, eating, housekeeping, medicine monitoring and other activities of daily living. This definition shall

not include group homes, rooming or lodging houses, nursing facilities or other types of elderly housing.

A. GENERAL STANDARDS

- (1) **Applicability:** The Planning Board is the Special Permit Granting Authority (SPGA) for Assisted Living Facilities as defined in this bylaw and, in appropriate cases, the SPGA may waive, increase, reduce or modify these standards as conditions of the Special Permit.
- (2) **Building Height:** Any addition or new construction shall not exceed forty (40) feet in height, as measured in accordance with the State Building Code, or three stories. This does not preclude the reuse and renovation of existing structures, which may exceed this height limit.
- (3) **Minimum Lot Size:** An assisted living facility shall be permitted in the Agricultural/Recreation, Residence A, Residence AA, Residence B, and/or Flexible Zoning Districts on a parcel containing a total area of not less than five (5) acres.
- (4) **Building Coverage:** The maximum building coverage, including accessory buildings, shall not exceed thirty (30) percent of the lot area for new construction or expansion of existing structures.
- (5) **Distance Requirements:** There shall be a minimum distance of thirty (30) feet between each building and minimum setback from the roadway layout of at least thirty (30) feet. No dwelling unit shall be located nearer than one hundred (100) feet from the traveled portion of any public way nor closer than fifty (50) feet from the perimeter lot lines. Buffers may be required at the discretion of the SPGA.
- (6) **Setback From Residential Dwellings:** In all designated zones, all buildings associated with the assisted living facility shall be no closer than two hundred (200) feet from existing residential dwellings; however, with respect to accessory structures not greater than three hundred (300) square feet in said zones, the SPGA, in its discretion, may reduce said setback by an amount up to but not greater than one hundred (100) feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling.
- (7) **Minimum Living Space:** Every dwelling unit shall be at least three hundred (300) square feet for one person and four hundred (400) square feet for double occupancy.

B. OTHER REQUIREMENTS

- (1) **Services:** Assisted living residences shall be serviced by sewer of sufficient capacity to serve the project and public water. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.
- (2) **Transportation Services:** The operator of the assisted living residence shall be required to provide or arrange transportation for ALF residents to and from local services and medical facilities, as required.
- (3) **Common Open Space:** The common open space shall consist of not less than twenty (20) percent of the total area and shall be retained in perpetuity for conservation or passive recreation use. No more than twenty-five (25) percent of the minimum required open space shall be situated within wetlands.
- (4) **Parking:** The minimum number of parking spaces provided on the lot shall be 0.5 parking space per assisted living unit plus one (1) parking space per employee during the largest shift. The Planning Board, in its discretion, may require additional parking spaces to serve the needs of employees, visitors and service vehicles, such spaces to be provided in a "reserve parking area" which would not be built unless determined necessary by the Inspector of Buildings.
- (5) **Access and On-Site Circulation:** Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation

- **Public Safety:** For any assisted living residence, the structure shall comply with the National Fire Protection Association Life Safety Code, including sprinklers. The facility shall also have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Hanson Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.

(7) **Landscaping:** Suitable landscaping and screening is required to obscure visibility of parking areas, dumpster locations, and loading areas. In all designated zones, the minimum setback from all property lines of such parking lots, dumpster locations and loading areas, except for their points of ingress and egress, shall be fifteen (15) feet.

(8) **Accessory Uses:** The operator of the assisted living facility may also provide optional services on the site for the convenience of residents, including, but not limited to barber/beauty services, sundries for personal consumption, laundry services, and other amenities, provided such uses serve primarily the residents and staff of the Assisted Living Facility and the accessory uses shall be wholly within the facility and shall have no exterior advertising display or signage.

(9) **Special Permit Procedure:** The procedure for a special permit under this section shall comply with the procedures outlined in ARV Section K.1.C of this bylaw, which includes application procedures, special permit criteria and guidelines for Planning Board review of the proposal. The Planning Board may impose additional conditions, if in its judgment, such conditions are needed to increase the compatibility of the project with its surrounds or to better provide for the residents.

(10) **Combined Units:** An Adult Retirement Village and an Assisted Living Facility may be combined into one project on one parcel of land at the discretion of the Special Permit Granting Authority.

Proposed by the Zoning Bylaw Committee

Explanation: The Zoning Bylaw Committee, a subcommittee of the Planning Board, has created a zoning article that addresses an Adult Retirement Village (ARV) and Assisted Living Facility (ALF) bylaw to enable the Town to meet an alternative housing opportunity for the older population. The Adult Retirement Village is restricted to households in which at least one permanent occupant is fifty-five (55) years of age or older; and not more than one person may be under fifty-five (55) years of age to qualify for this type of development. The Assisted Living Facility has been created for elders who do not require twenty-four (24) hour skilled nursing care, but need assistance with dressing, bathing, eating, housekeeping, medicine monitoring and various activities of daily living. The Assisted Living Facility will be subject to certification by the Executive Office of Elder Affairs under Massachusetts General Law, Chapter 19D.

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to approve Article 38 as printed in the warrant with the following amendment:

Under section K.1 entitled “ADULT RETIREMENT VILLAGE (ARV) insert the following provision to read as the first paragraph; and all succeeding paragraphs will be moved down and re-lettered accordingly:

***A. APPLICABILITY:** An adult retirement village use shall be allowed in Agricultural-Recreation; Residence A; Residence AA; Residence B; and Flexible Zoning Districts, but only upon issuance of a special permit from the Special Permit Granting Authority (SPGA) Planning Board under this section and in accordance with all of the requirements and criteria for issuance of a special permit under the Zoning Bylaw.*

Insert the heading B. Purpose: in front of the paragraph that reads:
An Adult Retirement Village (ARV), as approved by the Special Permit Granting Authority (SPGA) (Planning Board), is intended to.....

Delete the paragraph A. GENERAL STANDARDS: The following standards shall apply to all ARV Developments, in its entirety, and insert the following to read as:

C. GENERAL STANDARDS: *No special permit shall issue for an ARV use unless the standards set forth below are satisfied. In addition, no such special permit shall issue unless all of the criteria for issuance of a special permit as set forth under this Zoning Bylaw and under G. L. c.40A section 9 have been satisfied.*

Re-letter B. SITE DEVELOPMENT STANDARDS to read as “D.” SITE DEVELOPMENT STANDARDS

Re-letter C. SPECIAL PERMIT PROCEDURES to read as “E.” SPECIAL PERMIT PROCEDURES.

Under the SPECIAL PERMIT PROCEDURES section, *delete number (4) in its entirety and insert the following: The Special Permit plan shall be prepared in general accordance with the Subdivision Regulations for a Definitive Plan that are in effect as of the date of adoption of this zoning amendment.*

Under SPECIAL PERMIT PROCEDURES, *delete number (8) in its entirety and insert the following: Any Special Permit issued under this bylaw shall lapse if not exercised within two (2) years, provided, however, that this shall not include the time required to pursue or await the determination of an appeal referred to G. L. c. 40A section 17, from the grant thereof. The permit shall be deemed to have lapsed if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, has not begin by such date except for good cause.*

ARTICLE 39: To see if the Town will vote to amend Hanson Zoning Bylaw, Section II, Definitions by inserting the following definitions in alphabetical order or take any other action in relation thereto:

Adult Retirement Village (ARV)

An area of land, designed and developed as an integrated community, which departs from the zoning regulations conventionally required in the Agricultural-Recreation, Residence A, Residence AA, Residence B and/or Flexible Zoning Districts, and is restricted to households in which at least one permanent occupant is fifty-five (55) years of age or older.

Assisted Living Facility (ALF)

According to Massachusetts General Laws, Chapter 19D, assisted living facilities are for elders who do not require twenty-four (24) hour skilled nursing care, but need assistance with dressing, bathing, eating, housekeeping, medicine monitoring and other activities of daily living. This definition shall not include group homes, rooming or lodging houses, nursing facilities or other types of elderly housing.

Open Space

For purposes of this bylaw and except as noted herein, open space shall be defined as that portion of any lot which is not occupied or otherwise located beneath buildings, structures or areas used for parking, loading, access, storage or solid waste disposal activities. Fences, walls, signs, and drainage facilities permissible under subdivision regulations may be allowed within and may comprise a portion of the open space provided said land remains largely landscaped with natural or planted vegetation. Wetlands, as defined by Section 40 of Chapter 131, Massachusetts General Laws, may also comprise a portion of the open space, but not exceeding in percentage the proportion of wetlands within the entire lot.

Proposed by the Zoning Bylaw Committee

Explanation: The above definitions a relative to the new zoning by-law requested in the previous article.

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to approve Article 39 as printed in the warrant with the following amendment:

In the definition Adult Retirement Village(ARV) add a sentence at the end of the paragraph to read: “Such a use may be allowed only upon issuance of a special permit in accordance with all of the requirements of this Zoning Bylaw”.

In the definition Assisted Living Facility (ALF) add a sentence at the end of the paragraph to read: “Such a use may be

allowed only upon issuance of a special permit in accordance with all the requirements of this Zoning Bylaw”.

ARTICLE 40: To see if the Town will vote to designate the areas set forth in the description set forth below as a so-called “TIF Zone” or Tax Increment Financing Zone, as defined under G.L. c.40 §59 and 760 CMR 22:00, and to be known as the “Hanson TIF Zone” for a term of twenty (20) years; and to authorize the Board of Selectmen to enter into a TIF agreement to provide incremental property tax relief under G.L. c.40 §59 and G.L. 59, §5(51) or to take any other action in relation thereto,

Description: All as shown on a plan entitled “Plan of Land Showing Proposed Economic Opportunity Area (EOA) Overlay District located on High Street & Pierce Avenue Hanson, Massachusetts prepared for Vanasse Hangen Brustlin, Inc. 101 Walnut St. Watertown, Mass. September 12, 2001 Scale 1” = 200’, and on file in the office of the Town Clerk.

Proposed by the Board of Selectmen

Explanation: This article creates a TIF Zone that allows the Board of Assessors and the Board of Selectmen to enter into an agreement with a potential developer on the site of the old hospital only, and that the agreement requires the developer to pay an increasing tax payment over a period of twenty years until the developer is paying 100% of the taxes due. The justification for granting such a tax increment financing plan is to gain for the Town of Hanson a twenty-year commitment to affordable Assisted Living housing for the elderly.

Finance Committee recommends.

VOTED Aye, voice to designate the areas set forth in the description set forth below as a so-called “TIF Zone” or Tax Increment Financing Zone, as defined under G.L. c.40 §59 and 760 CMR 22:00, and to be known as the “Hanson TIF Zone” for a term of twenty (20) years; and to authorize the Board of Selectmen to enter into a TIF agreement to provide incremental property tax relief under G.L. c.40 §59 and G.L. 59, §5(51) as printed in the warrant.

ARTICLE 41: To see if the Town will vote to authorize the Board of Selectmen to sell 18.34 acres, more or less, of the Plymouth County Hospital land identified as Lot 3 on a plan of land entitled “Plan of Land Located On High Street & Pierce Avenue Hanson, Massachusetts prepared for Vanasse Hangen Brustlin, Inc. 101 Walnut St. Watertown, Mass. September 11, 2001 Scale: 1” = 80’”, on such terms and conditions as the Board of Selectmen determine to be satisfactory, or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: BARAN Partners, LLC, will develop the 18.34 acres described above for 75 Assisted Living Units and 45 Independent Living Units, all for the elderly.

Finance Committee recommends.

VOTED Aye 69, Nay 17 (2/3’s achieved) authorize the Board of Selectmen to sell 18.34 acres, more or less, of the Plymouth County Hospital land identified as Lot 3 on a plan of land entitled “Plan of Land Located On High Street & Pierce Avenue Hanson, Massachusetts prepared for V H B, Inc. 101 Walnut St. Watertown, Mass. September 11, 2001 Scale: 1” = 80’”, on such terms and conditions as the Board of Selectmen determine to be satisfactory.

ARTICLE 42: To see if the Town will vote to authorize the Board of Selectmen to sell Lot 2 on a plan of land entitled “Plan of Land Located On High Street & Pierce Avenue Hanson, Massachusetts prepared for Vanasse Hangen Brustlin, Inc. 101 Walnut St. Watertown, Mass. September 11, 2001 Scale: 1” = 80’, or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: Lot 2 is a portion of the former Plymouth County Hospital land that on its own is not developable, as it failed on-site septic testing by the Board of Health. It does provide an additional access to the site for the elderly housing facility and will be maintained by the buyer.

Finance Committee recommends.

VOTED Aye unanimous to authorize the Board of Selectmen to sell Lot 2 on a plan of land entitled “Plan of Land Located On High Street & Pierce Avenue Hanson, Massachusetts prepared for V H B, Inc. 101 Walnut St. Watertown, Mass. September 11, 2001 Scale: 1” = 80’.

ARTICLE 43: To see if the town will vote to amend the Town of Hanson General By-laws by adding a new section as follows:

**ARTICLE 3 – 17
Locking Key Box**

Sec. A: All new non-residential and multi-unit residential (use groups R-1, R-2 & R-3; as defined by 780 CMR 310.00) or business construction shall install a locking key box, of a type approved by, and at a location on each building to be designated by the Chief of the Fire Department, or to any person the Chief may delegate said authority in writing.

Sec. B: Any area of an agricultural, non-residential or multi-unit residential (R-1, R-2 & R-3), or business property that is normally protected by use of locked gates, shall install either a pad lock keyed to the secure fire department key, or locking key box on each gate. Any property that uses an electronic security lock or gate shall be required to provide an override switch that operates by use of the secure key held by the fire department.

Sec. C: Any occupancy governed by this by-law which uses Hazardous materials regulated by state or federal law, shall be required to install a key-vault capable of containing a complete set of Material Safety Data Sheets (MSDS), and to maintain a complete set of MSDS in said vault. Each set of MSDS shall be reviewed annually with a representative of the fire department to assure current information is available.

Sec. D: All occupancies governed by this by-law shall be required to provide the fire department with a master key or complete set of keys to the occupancy, to be placed within the key box on the property. Whenever any occupancy governed by this by-law changes ownership or changes locks, they shall notify the fire department immediately and provide the new keys within 7 working days.

Or take any other action relative thereto.

Proposed by the Chief of the Fire Dept.

Explanation: The intent of this article is to eliminate the practice of keeping keys for buildings at the fire department. These keys are seldom kept current by the owners and the search through dozens of keys delays responses. The lock boxes are inexpensive, easily mounted and very secure. The boxes are keyed alike with a key specific to Hanson. The keys are controlled and only HFD is allowed the key.

Finance Committee refers to Town Meeting.

VOTED Aye, voice Article 43 as printed in the warrant.

ARTICLE 44: To see if the town will vote to accept Massachusetts General Law Chapter 41 Section 100G ¼, which provides for the payment of up to \$5,000.00 for funeral expenses when a police officer or firefighter is killed in the line of duty or take any other action in relation thereto.

Proposed by the Fire Chief

Explanation: We currently have insurance for all police officers and fire fighters who work over 20 hours per week. We are currently exploring the status of call firefighters and fire fighters who work fewer than 20 hours per week.

Finance Committee recommends to Pass Over.

VOTED Aye unanimous to Pass Over.

ARTICLE 45: To see if the town will vote to accept Massachusetts General Law Chapter 148 section 26H, which requires all lodging and boarding houses to be equipped with a complete system of automatic sprinklers within 5 years of the date of acceptance of the statute.

Proposed by the Fire Chief

Explanation: This law if adopted, protects the residents of boarding or rooming houses that may or may not have been designed for that occupancy, by requiring automatic sprinklers be installed. These occupancies frequently house persons of decreased physical or mental ability who may not be capable of rapid evacuation. The five-year completion date allows building owners to plan for and install systems over a period of time to minimize financial impact.

Finance Committee refers to Town Meeting.

VOTED Aye, voice to accept M.G.L. Chapter 148 Section 26H, which requires all lodging and boarding houses to be equipped with a complete system of automatic sprinklers within five years of the acceptance of the statute.

ARTICLE 46: To see if the town will vote to accept Massachusetts General Law Chapter 148 Section 26I, which requires all new or substantially altered residential buildings containing four or more dwelling units be equipped with a complete system of automatic sprinklers.

Proposed by the Fire Chief

Explanation: This law is especially important for elderly housing projects were the incidence of fire is increased and residents may not be able to evacuate quickly.

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to accept Massachusetts General Law Chapter 148 Section 26I, which requires all new or substantially altered residential buildings containing four or more dwelling units be equipped with a complete system of automatic sprinklers.

ARTICLE 47: To see if the town will vote to amend the Town of Hanson General By-laws by adding a new section as follows:

ARTICLE 3 – 18

Fire prevention and safety regulations

- **Incorporation of Regulations.** In order to enhance public safety from fire and other related hazards, the provisions of 527 Code of Massachusetts Regulations as from time to time amended, are hereby incorporated into the town by-laws and any violation of any provision shall be punishable by a fine of \$300.00 per violation.
- Every user of a fire alarm system, as required by 527 CMR or 780 CMR 9.00, shall be required to provide the Fire and Police Chiefs with the following information for each business:
 - Name of business

- Name of owner of business
- Telephone number where the business owner may be contacted after normal business hours.
- The names and telephone numbers of at least 2 other persons who are authorized to respond and open the premises. Excepting only where the business owner is the sole proprietor.
- The name address and telephone number of the building owner if different than b.
- The name and 24-hour telephone number of the alarm company.

This information shall be reported on a form supplied by the fire department. All information provided shall be considered private and not be made public or otherwise distributed without prior permission of the individuals therein named.

Or take any other action in relation thereto.

Proposed by Hanson Fire and Police Departments

Explanation: This by-law would allow the fire department to fine violators of the fire code \$300.00 per offense of any portion of the fire code, without being forced to go through the process of filing criminal complaints in District or Superior courts. The intent is to allow the fire department to more rapidly resolve violations of the code without the expense involved in court appearances. Modeled on a by-law adopted by Kingston in 1993.

Finance refers to Town Meeting.

VOTED Aye, voice to amend the General By-Laws by adding a new General By-law as printed in the warrant with the following changes:

In paragraph number one after the word Regulations insert “ 1.00 to 50.00” and delete the words “be punishable by a fine of \$300.00 per violation” and in its place insert the words “shall constitute a violation of this by-law”. Renummer paragraph number 2, number “3” and insert a new paragraph number 2 as follows: “ Violations and penalties. Whoever violates any provision of this by-law shall be punished by a fine of fifty dollars (\$50.00) for each offense. In the case of any continuing violation, each day said violation continues shall constitute a separate offense. This by-law may be enforced pursuant to the provisions of Massachusetts General Laws, Chapter 40, section 21D by the Head of the Fire Department or his authorized designee as well as by town officers having police powers.”

ARTICLE 48: To see if the Town will vote to amend the Town of Hanson General By-laws by deleting in Article 3 – 9, BILL BOARDS, Section 6 the words *not more than* in line 2 and *not more than five hundred dollars (\$500.00)* in line 5 and in line 5 insert the words *three hundred dollars (\$300.00)*, and delete in its entirety Section 7., or take any other action in relation thereto, or take any other action in relation thereto.

Proposed by the Town Clerk

Explanation: MGL Chapter 40, section 21D, non-criminal disposition of bylaw violations, sets a maximum fine at \$300.00 Currently the Town of Hanson is not in conformance with state law.

Finance Committee refers to Town Meeting.

VOTED, Aye unanimous to amend the Town of Hanson General By-laws by deleting in Article 3 – 9, BILL BOARDS, Section 6 the words *not more than* in line 2 and *not more than five hundred dollars (\$500.00)* in line 5 and in line 5 insert the words *three hundred dollars (\$300.00)*, and delete in its entirety Section 7.

ARTICLE 49: To see if the Town will vote to amend the Town of Hanson General By-laws by deleting in Article 3 – 7, UNCOVERED WELLS, Section 1 the words *not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500.00)* and in its place insert the works *three hundred dollars (\$300.00)* or take any other action in relation thereto.

Proposed by the Town Clerk

Explanation: MGL Chapter 40, section 21D, non-criminal disposition of bylaw violations, sets a maximum fine at \$300.00. Currently the Town of Hanson is not in conformance with state law.

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to amend the Town of Hanson General By-laws by deleting in Article 3 – 7, UNCOVERED WELLS, Section 1 the words *not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500.00)* and in its place insert the words *three hundred dollars (\$300.00)*

ARTICLE 50: To see if the Town will vote to amend the Town of Hanson General By-laws by deleting in its entirety *Article 4 –1 Penalty, Section 1* and in its place insert a new *Article 4 –1 Enforcement* as follows:

Article 4 – 1

ENFORCEMENT

Section 1. Criminal Disposition

Whoever violates any provision of these By-Laws may, except as otherwise required by law, be prosecuted by indictment or on complaint brought in the District Court. Except as may be otherwise provided for by law, and as the District Court may see fit to impose, the maximum penalty for each violation brought in such manner shall be three hundred dollars.

Section 2. Non-Criminal Disposition

Any provision of these By-Laws, and any rule or regulation of a Town officer, board or department, the violation of which is subject to a specific monetary fine or penalty, may, in the discretion of the Town official who is the enforcing person and as an alternative to initiating criminal proceedings, be enforced in the manner provided in Section 21D of Chapter 40 of the General Laws. The term “enforcing person” shall mean the Town official, if any, specifically designated in any chapter, section or provision of these By-Laws, and any such rule or regulation, as being responsible for enforcing the same. In addition, the term “enforcing person” shall mean, with respect to any violation of any provision of these By-Laws and whether or not specifically so designated, any police officer of the Town. The specific penalties to be imposed pursuant to the non-criminal disposition method shall be stated in the particular ordinance, rule or regulation, except as provided hereunder. The non-criminal disposition method may also be used pursuant to this By-law for violation of any rule or regulation of any municipal officer, board or department listed below, the violation or offense of which is subject to a specific penalty. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following By-Laws and rules and regulations are to be included within the scope of this By-law, that the specific penalties, as listed here, shall apply in such cases and that, in addition to police officers, who shall in all cases be considered enforcing person for the purposes of this provision, the municipal positions, or person serving the functions of the same, shall also be enforcing persons for such violations or offenses. Each day on which any violation or offense exists shall be deemed to be a separate violation or offense. Nothing contained herein shall be deemed to require the use of the non-criminal disposition method. At the option of the appropriate enforcing person, criminal and/or civil action may also be utilized. Any specific monetary fine or penalty that is set forth in any provision of these By-laws for the violation of same shall be considered to apply only to a non-criminal disposition of such violation and shall not be construed as a limitation upon the monetary penalty recoverable through criminal proceedings.

Section 3. Fine Schedule

<u>General By-Law or Section</u>	<u>Enforcement Officer</u>	<u>Penalty</u>
Article 3 – 1		
Regulations of the Board of Health	Health Agent	1 st offense \$200.00 Subsequent offenses \$1,000.00 (According to MGL Ch 270, s 16)

Article 3 – 3
Residential Swimming Pools Building Inspector Each offense \$50.00

Article 3 – 4
Canine Control Animal Control Agent Leash Law fines

		1 ST offense	\$15.00
		2 nd offense	\$25.00
		3 rd offense	\$35.00
		4 th and Subsequent offense	\$50.00

Town Clerk Failure to license by September 30
Animal Control Agent \$25.00

Article 3 – 6
Police Regulations Police Officer
Section 1 – 4 \$50.00

Sections 5A-5B

Parking SCHEDULE OF FINES

- | | |
|-----------------------------------|---------|
| 01 Handicapped Parking | \$50.00 |
| 02 Impeding Snow Removal | \$50.00 |
| 03 All Night Parking | \$15.00 |
| 4 Double Parking | \$15.00 |
| 05 Within 10' of a Hydrant | \$15.00 |
| 06 Wrong Direction | \$15.00 |
| 07 Obstructing Sidewalk/Crosswalk | \$15.00 |
| 08 Obstructing Driveway | \$15.00 |
| 09 Restricted or Prohibited Area | \$15.00 |
| 10 Within 20' of Intersection | \$15.00 |
| 11 Overtime Parking | \$15.00 |
| 12 Over 12 inches from curb | \$15.00 |
| 13 Bus Stop or Taxi Stop | \$15.00 |
| 14 Blocking Fire Lane or Exit | \$15.00 |

Article 3 – 7
Uncovered Wells Police Officer \$100.00
\$300.00

Article 3 - 8
Town Property
Sections 1,2,3,4,5,6A Police Officer \$25.00
\$50.00

Section 6 Police Officer \$150.00

Article 3 – 9
Bill Boards
Sections 1 – 6 Police Officer \$100.00
Police Officer \$300.00
for unlawfully maintaining such billboard, sign or other
advertising for 20 days after conviction

Article 3-10

- Sec. 1. The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Committee composed of seven citizens at large, three to serve 1 year, two to serve two years, and two to serve 3 years and each thereafter for three years. The Executive Secretary, Assessor/Appraiser, Town Accountant and the Treasurer/Collector shall serve as non-voting members. The committee shall choose its own officers.
- Sec. 2. The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which 1) are purchased or under taken at intervals of not less than five years: 2) have a useful life of at least five years; and 3) **cost over \$10,000.**

In order that the Town 1) coordinate development of a capital improvement budget for the current year, and 2) develop a capital improvement program including the subsequent 5 years, all officers boards and committees including the Selectmen and **the Regional School Committee** shall, by a date specified annually by the Capital Improvement Committee, prepare for the committee information concerning all anticipated capital improvement projects requiring Annual Town Meeting action for the period specified.

No appropriation shall be voted for a capital improvement requested by a department, board, or commission unless the proposed capital improvement is considered in the committee report.

However, in order to allow consideration of a project reflecting an extraordinary circumstance which must be addressed before the formulation of the next year's capital program, a department, board or committee may submit a proposal to the Capital Improvement Committee for consideration. The Committee must then submit a report to the Board of Selectmen and the Finance Committee with a satisfactory explanation why the proposal was not considered by the Capital Improvement Committee at a time when it could be included in the committee's report. **Each of the boards and committees must vote that the proposed project meets the extraordinary circumstance issue.**

- Sec. 3. The Committee shall prepare an annual report recommending a Capital Improvement Program for the next fiscal year, and for each of the subsequent five years. The Capital Improvement Committee will explain which capital improvement projects considered by the committee are recommended and which projects it does not recommend for inclusion in the capital program. The report shall be submitted to the Board of Selectmen and the Finance Committee for their consideration. The Board of Selectmen shall submit its approved Capital Improvement Program to the Annual Town Meeting for adoption by the Town.

- Sec. 4. **The Capital Improvement Committee shall prepare a list of articles for inclusion in the annual Town Meeting warrant for that fiscal year. Once these articles have been voted by the Town Meeting, the funds will be expended under the direction of the Board, Department Head, Committee or Commission which requested the project.**

After the adoption of the Capital Program, any department, board, committee or commission may make expenditures from their current budget for any survey, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

- Sec. 5. The Committee's report with the Selectmen's and Finance Committee's recommended Capital Plan shall be published and made available consistent with the distribution of the Finance Committee Report. The Committee shall deposit its original report with the Town Clerk or take any other action relative thereto.

Proposed by the Capital Improvement Committee

Explanation: The items that are underlined and bolded are the changes to the by-law. The change in the minimum amount falls in line with the vote of the Board of Selectmen for a \$10,000 amount for Capital Items for GASB 34 (Government Accounting Standards Board), which the Town must comply with by Fiscal Year 2003. The other changes place the signing authority for invoices with the Department Head involved in the project. The articles for Capital items will be placed in the annual town meeting unless it is an emergency.

Finance Committee recommends.

VOTED Aye, voice to delete General By-laws, Article 2-11, Capital Improvement Committee and in its place insert the by-law as printed in the warrant.

ARTICLE 52: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift and to accept the deed to the Town of two parcels of land in fee simple, upon such terms and conditions as they shall determine, for general purposes, said parcels being described as follows:

1. All that property abutting Franklin Street in the Town, shown as Lot 10 on Assessor's Map 45, and said to belong to Albert E. Wood, Jr., with the exception of a strip of land approximately forty feet in width along the southeastern boundary of said property, said property to be conveyed to the Town comprising approximately 16,742 square feet; and
2. A portion of a parcel of land lying in East Bridgewater, Massachusetts, said to be owned by Albert E. Wood, Jr., shown as Parcel A on "Plan of Land Located on Franklin Street, Hanson, Massachusetts and Central Street, East Bridgewater, Massachusetts, Prepared for Albert E. Wood, Jr.", dated March 21, 2000, and recorded with the Plymouth County Registry of deeds in Plan Book 43, Page 392, said portion being approximately fifty feet in width, and 14,500 square feet in area, and abutting the entire western boundary of that parcel of land owned by the Town and shown as Lot 9A on Assessor's Map 45;

And further to see if the Town will vote to transfer the care, custody, management and control of a portion of the parcel of land described below to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen, on such terms and conditions as they may determine, to convey a portion of said parcel in fee simple to Albert E. Wood, Jr., said parcel being described as follows:

A portion of that land in the Town shown as Lot 9A on Assessor's Map 45 said portion being a strip of land approximately forty feet in width, and 13,960 square feet in area, along the entire southern boundary of said Lot 9A, reserving within the forty foot width a twenty foot buffer easement for the benefit of Lot 9A.

Or to take any other action relative thereto.

Proposed by the Board of Health

Finance Committee refers to Town Meeting.

VOTED Aye 54, Nay 22 (2/3's achieved) to authorize the Board of Selectmen to acquire by gift and to accept the deed to the Town of two parcels of land in fee simple, upon such terms and conditions as they shall determine, for general purposes, said parcels being described as printed in the warrant and as depicted on a plan of land located on Franklin Street, Hanson and East Bridgewater, dated September 26, 2001:

The quorum was challenged at 10:45 p.m. and the tellers reported that only 96 voters were present. While waiting for the arrival of additional voters to achieve a quorum the report of the School Committee regarding the status of the School Building Feasibility Study Committee was read by School Committee member James Armstrong and the report of the Senior Center Renovation/Construction Committee regarding the status of the Senior Center was read by Selectman Judith Murdoch.

VOTED Aye, voice at 11:10 p.m. to recess the meeting and to reconvene on Tuesday, October 2, 2001 at 7:30 p.m. in the auditorium of the Middle School.

Special Town Meeting
October 2, 2001
(second session)

Moderator Charles W. Mann called the meeting to order at 7:50 p.m. in the auditorium of the Middle School.

Town Counsel was Richard Bowen of Kopelman and Paige.

A quorum was not present.

Selectman Daniel K. Webster stated that the Town Meeting was sine die and at 7:51 p.m. the Moderator declared the meeting dissolved.

A true copy , Attest:

Sandra E. Harris, CMC, CMMC
Town Clerk